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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AFTERGUT, JEFF H

ART UNIT

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1791

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,027	Applicant(s) JUDKINS, REN	
	Examiner Jeff H. Aftergut	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson '108 (US 4,631,108) in view of Daamen et al, Schnebly '630 (US 4,732,630), Corey '296 (US 2002/0014296) and Colson et al '720 (US 5,390,720, newly cited).

The reference to Colson '108 suggested that those skilled in the art at the time the invention was made would have formed a cellular honeycomb blind by applying at least one longitudinal line of adhesive to the exterior surface of an elongated tubular member, wrapping the elongated tubular structure around a collector in a manner to cause the adhesive to be positioned between and bond together the overlying surface of the elongated tubular material forming a cellular structure on the collector and making at least one transverse cut through the cellular structure to form the blind assembly. The reference taught that the collector onto which the tubular structure was wound included a two sided form (Figure 1) as well as a three sided form (Figure 13) or a four sided form (Figure 12). The reference taught that the sides of the form were flat in order to enable the finished cellular assembly to be flat after the severing operation. The reference failed to specify whether the adhesive employed was a slow cure adhesive, failed to state that the cutting was performed prior to the fully curing of the adhesive, and did not place the cellular assembly on a flat surface after the severing step and before final cure (note that the reference to Colson '108 did

Art Unit: 1791

place the cellular structure on a flat surface prior to cure as it was disposed on a flat side of the take up prior to the cure but was not placed on the flat surface subsequent to cutting the assembly from the form, which is not expressly recited in the claim) where the curing was allowed to take place while the cellular structure was on the flat surface.

Daamen et al suggested that those skilled in the art of manufacturing a blood and plasma dialysis filter from hollow fibers would have understood that such filters were commonly made by winding the hollow fiber about a take up form having a square or flat surface in order to form a parallel bundle of filaments where multiple bundles were made from the winding operation. The reference suggested that such a winding operation led to was as the material in the corner of the flat surfaces was thrown out as well as uneven finished bundles as there were varied stresses (tension) acting on the fiber in the winding operation and thus the finished assemblies were wasteful in their manufacturing processing. The solution to this identified problem (note that in Colson '108 the cutting of the tubular material at the corners of the take up form would have resulted in a waste of material at the corners therein) was to wind the material upon a circular mandrel and sever the same from the circular form in order to eliminate the problems which arise relating to the waste of material in the corners as well as the unequal tensions on the wound layers which was in fact performed by Daamen et al. Clearly, one would have been motivated to wind the material upon a circular or cylindrical drum in the manufacturing operation. To further evidence

Art Unit: 1791

that those skilled in the art would have employed a cylinder in the winding operation, the reference to Schnebly '630 is cited.

Schnebly '630 suggested that those skilled in the art would have wound a flat tube upon a drum which was cylindrical in the manufacture of the Venetian blind assembly. The reference suggested that one would have applied a bead of polyester adhesive material upon the fabric or film material used to make the blind prior to winding up where the adhesive material was later cured after severing the wound assembly. Namely, the reference suggested winding the adhesive coated tubular component upon itself where the adjacent convolutions had adhesive there between and followed this with a severing operation wherein the winding operation took place upon a cylindrical mandrel in the formation of a honeycomb shade assembly. After severing from the drum, the reference disposed the blind assembly on a flat surface and cured the adhesive employed in the operation whereby the blind was in a flat condition during curing and was not subjected to varying tensions and stresses associated with curing on a mandrel having a shape other than circular in nature. The reference suggested that this would have enabled one skilled in the art to form multiple blind assemblies in a fast and efficient manner without the waste associated with having to sever off the end corner portions of a wound assembly. The reference made use of a polyester adhesive material and made no mention of the use of a slow cure adhesive but rather employed heat to cure the adhesive in the processing.

The reference to Corey '296 suggested that those skilled in the art of making a Venetian blind would have known to incorporate an adhesive in the joining of the various layers of material together which was both strong and flexible and included the use of either polyester adhesive materials or polyurethane adhesive materials where it was known that the polyurethane adhesive materials employed had a slow or long cure time therein. Applicant is more specifically referred to paragraph [0083] of the reference for a discussion of the use of either the polyester adhesive or the polyurethane adhesive in the processing and the advantages of each. It should be noted that the use of a polyurethane moisture cure adhesive was clearly a slow cure adhesive material used in the process of making a Venetian blind. One viewing the reference to Corey '296 would have been motivated to employ a moisture cure adhesive material in the process of Colson '108 as such would have enabled one to set the adhesive material without having to employ heat to cure the same and would have provided an adhesive material which was more flexible and provided greater bond strength than other known polyester hot melt adhesives (Schnebly '630). To further evidence that the use of a moisture cure hot melt adhesive material (polyurethane) would have been suitable in Colson '108, the reference to Colson '720 is cited. Colson et al '720 suggested that those skilled in the art would have known to utilize a moisture cure polyurethane adhesive in the processing performed by Colson '108 as expressed at column 6, lines 8-36. Clearly, it would have been obvious to one skilled in the art at the time the invention was made to modify the processing of Colson '108 to: (1) provide a

Art Unit: 1791

cylindrical mandrel for winding upon as such would have eliminated waste and stresses in the corners due to uneven tension levels as suggested by Daamen et al, Schnebly '630 wherein when winding on a cylindrical mandrel after separation from the mandrel one would have laid the material flat and allowed the adhesive to cure so that the finished assembly was a flat Venetian blind assembly, and; (2) employ a slow curing, moisture cure polyurethane adhesive material in the processing as such would have resulted in a stronger and more flexible bond wherein the same did not require the inclusion of heat curing to set the adhesive as suggested by Corey '296 and Colson et al '720.

With respect to claim 2, the references to Schnebly '630, Colson '108 or Corey '296 suggested the specified materials. Regarding claim 3, note that the references to Schnebly '630, Colson '108 or Corey '296 suggested attachment of the assembly to a headrail as defined. Regarding claim 4, to cut the assembly of Schnebly after curing of the material into multiple assemblies after removal from the mandrel would have been obvious to those skilled in the art. Additionally note that the reference to Daamen et al suggested such manufacture. Regarding claim 5, note as indicated above such severing would not have occurred until the material was removed from the mandrel and in a flat condition as suggested by Daamen et al. regarding claims 6 and 7, note that the references to Corey '296 and Colson '720 suggested the use of slow curing polyurethane adhesive. While the reference did not state that it took 4 hours or more to cure, one skilled in the art would have expected that like materials would have had like properties. With

Art Unit: 1791

respect to claim 8, note the references to Daamen as well as Schnebly defined a wheel (cylindrical) structure about which the material was wound.

Response to Arguments

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

It should be noted that one skilled in the art would have been motivated to employ the slow curing polyurethane moisture cure adhesive material in the operation of Colson '108 as such was an art recognized adhesive suitable for manufacturing a Venetian blind assembly as suggested by Corey '296 ' and additionally such was well known to have been useful in the winding process of Colson '108 as expressed by Colson '720. The artisan would have understood the benefits of winding upon a cylindrical mandrel rather than a two, three or four sided mandrel as evidenced by Daamen et al and Schnebly '630. While Schnebly '630 did employ a polyester adhesive hot melt material as the adhesive in the processing therein, one skilled in the art would have understood nonetheless that a polyurethane moisture cure adhesive would have been suitable in the processing as discussed above and additionally would have understood that one benefit over the use of the polyester adhesive was the lack of the need for exposure to heat to cure the material. One skilled in the art would have expected that wet winding with the polyurethane adhesive material would have resulted in an initial bond between the convolutions and additionally would have allowed the binder to cure later after removal from the mandrel and lay up on a flat surface. Note here that the artisan would have understood to lay the material on a flat

Art Unit: 1791

surface and allowed it to fully set in that state (rather than on the mandrel) as such would allow for formation of a Venetian blind which had its final structure flat.

No claims are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:30-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 1791

/Jeff H. Aftergut/
Primary Examiner
Art Unit 1791

February 14, 2010